

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PARKHURST & WENDEL, L.L.P.
1421 Prince Street
Suite 210
Alexandria, Virginia 22314-2805
Telephone: (703) 739-0220

Attorney Docket No.: HYAE:095B
Date: November 5, 2003

Prior Application:
Examiner: Paul W. Huber
Group Art Unit: 2653

Mail Stop PATENT APPLICATION
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This is a

Continued Prosecution Application (CPA) under 37 CFR §1.53(d);

Request for Continued Examination (RCE) under 37 CFR §1.114 (prosecution of the application is closed in the sense of 37 CFR §1.114(b));

Divisional Application (parent not abandoned) under 37 CFR §1.53(b);

Divisional Application (parent being abandoned) under 37 CFR §1.53(d);

of pending prior application Serial No. 10/238,587, filed September 11, 2002

for [Title as filed]: OPTICAL DISK APPARATUS

[Amended Title]: OPTICAL DISK APPARATUS HAVING COMPENSATION FOR OBJECTIVE LENS DISLOCATION

by [Inventors]: Yasuhito SOMA; Akira MATSUBARA; and Kazuhiko KOUNO

1. A copy of the prior application is attached. This copy comprises a true copy of the prior application as filed (specification, claims, drawings, declaration). No amendments referred to in the declaration (if any) filed to complete the prior application introduced new matter therein.
2. Abandon said prior application as of the filing date accorded this application.

PLEASE ACCEPT THIS AS
AUTHORIZATION TO DEBIT
OR CREDIT FEES TO
DEP. ACCT. 16-0331
PARKHURST & WENDEL

3. The filing fee is calculated below:

CLAIMS REMAINING IN AN APPLICATION AFTER
ENTRY OF ANY PRELIMINARY AMENDMENT OR
AMENDMENT UNDER 37 CFR §1.116 NOTED BELOW

Basic Fee
\$770.00

Total claims 2 -20 = 0 x \$18.00 (* 9.00) =
Independent claims 2 - 3 = 0 x \$86.00 (*43.00) =
Total Filing Fee..... = \$770.00

4. A check in the amount of \$770.00 is enclosed (CK# 17057).
THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY OTHER FEES
WHICH MAY BE REQUIRED OR CREDIT ANY OVERPAYMENT TO DEPOSIT
ACCOUNT NO. 160331.

5. Cancel in this application claims 2-8 of the prior application
before calculating the filing fee. At least one independent
claim is retained for filing purposes.

6. Amend the specification by inserting before the first line the
sentence:

--This is a divisional of application Serial No. 10/238,587 filed
September 11, 2002 which in turn is a continuation of 09/492,269
filed January 27, 2000, now U.S. Patent 6,473,373.--

7. Please enter in the present application the Amendment Under 37
CFR §1.116 with any attachments filed on in this application
which was not entered therein.

8. Priority of foreign application(s) No. 11-018363, filed January 27, 1999; in Japan is claimed under 35 U.S.C. §119.

The certified copy was filed in prior application No. 09/492,269
on March 2, 2000.

A certified copy of the above corresponding foreign application
is filed herewith.

9. The prior application is assigned of record to MATSUSHITA
ELECTRIC INDUSTRIAL CO., LTD. Recorded at Reel 10590, Frame 282.

10. The power of attorney in the prior application is to Roger W. Parkhurst, Registration No. 25,177 and Charles A. Wendel, Registration No. 24,453:

a. The power appears in the original papers in the prior application.

b. Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

c. Address all future communications to

PARKHURST & WENDEL, L.L.P.
1421 Prince Street, Suite 210
Alexandria, Virginia 22314-2805
Telephone: (703) 739-0220.

11. An Application Data Sheet is enclosed.

12. A Preliminary Amendment is enclosed herewith.

13. An Information Disclosure Statement is enclosed.

14. This application is not entitled to Small Entity Status.

Respectfully submitted,

PARKHURST & WENDEL, L.L.P.



Roger W. Parkhurst
Registration No. 25,177
Robert N. Wieland
Registration No. 40,225

(rev. 10/03)